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Criminal Law—Club Room—Gaming House.—*Commonwealth v. Blankinship et al.*, 42 N. E. Rep., 115 (Mass.). Complaint charged defendant with being present in rooms used as a common gaming-house. Defendant answered that there was no cause of action since rooms were those of a private club. Held that club rooms used for gambling, by members and their invited guests, is a common gaming house, "common" in this connection not necessarily meaning open to all the public.

Homicide—Murder and Manslaughter—Resisting Arrest—Instructions.—*Brown v. United States*, 16 Supreme Court Rep., 29. The defendant killed two officers, who mistaking him for another person, were unlawfully attempting his arrest. The trial judge charged the jury that such killing was not murder but manslaughter, "unless done in such a way as to show brutality, barbarity and a wicked and malignant purpose. If done in this way it would be murder." Held, that this instruction was erroneous, since it allowed the jury to bring in a verdict of murder because of the manner of the killing, even though apart from the way in which life was taken the facts made a case of manslaughter.

Libel and Slander—Charging Bribery of Voters—Identification of Plaintiff—Instructions.—*Van Ingen v. Mail and Express Co.*, 35 N. Y. Sup., 838. It was stated in the defendant's newspaper that 'the London head of a large New York firm of cloth jobbers' was the leader of a movement to raise funds abroad to buy votes. Such publication was held libelous *per se* and was none the less libelous because the accusation did not designate the plaintiff by name. Extrinsic evidence was held admissible to show that the article referred to the plaintiff.

Railroad Foreclosure—Receivers—Unsecured Debts.—*Wood v. N. Y. & N. E. Ry. Co. et al.*, 70 Fed. Rep., 741 (Mass.). A claim for a debt contracted for the supply of materials necessary for the operation of a railroad from day to day "as a going concern" was held to be within the classes of preferred claims to be paid by the receivers out of the income of the road. In order to sustain a preferred claim the creditor must show that the materials supplied were necessary to keep the road a "going concern" and were indispensable to the safe carriage of the public.

Street Railroad—Injury to Passengers.—Waiver of Statutory Immunity.—*Vail v. Broadway R. R. Co.*, Brooklyn, 42 N. E. Rep.